

REMARKS

With the foregoing amendment claims 1-17 are pending in the application. Claims 1, 12 and 17 are independent. No new matter has been added by the amendments. Applicant respectfully requests reconsideration of the Rejections/Objections, which are discussed below.

Claim Rejections Under 35 U.S.C. 101 (Statutory Subject Matter).

Claim 17 stands rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. Applicants respectfully traverse.

Claim 17, as amended, is now directed to a computer system comprising a computer that is programmed to perform certain acts. Accordingly, Applicant respectfully submits that claim 17, as amended, is directed to statutory subject matter.

Claim Rejections Under 35 U.S.C. 112, 1st Paragraph (Enablement).

Claims 1-17 are rejected under 35 U.S.C. 112, 1st paragraph as failing to comply with the enablement requirement. Applicant respectfully traverses.

Applicant submits that claims 1-17, as amended herein, comply with the enablement requirement.

With respect to claims 1 and 12, these claims no longer require that each DNA fragment have a peak intensity. Rather, claims 1 and 12 now require the step of or means for “detecting the signals emitted from said labeled DNA markers and measuring the peak intensity and location of said signals.” It is well known that signals from labeled DNA markers have a peak intensity. Claims 1 and 12 also no longer require “determining a sequence of fragments according to values of said bins,” which requirement the examiner had objected to. Accordingly, claims 1 and 12 no longer require the features that the examiner had objected to. Thus, Applicant respectfully requests that the rejection of the claims based on lack of enablement be withdrawn.

Claim Rejections Under 35 U.S.C. 112, 2nd Paragraph.

With respect to the rejection of claims 1-5, 9, 12, 16 and 17 for being vague and indefinite, Applicants have amended those claims to replace all abbreviations with full names. Thus, Applicants request that this rejection be withdrawn.

With respect to the “missing essential step” rejection, the claims have been amended so that they no longer require “measuring peak intensity and size of each DNA fragment.” Accordingly, the “missing essential step” rejection is now moot because the step of “fragmenting the genomic DNA” can no longer be considered an essential step.

Claim Rejections Under 35 U.S.C. 102 (Anticipation).

Claim 17 is rejected under 35 U.S.C. 102 as being anticipated by GeneScan® Reference Guide (the “Guide”). Applicant respectfully traverses.

Claim 17 requires “a sequence field containing a sequence of transformed DNA marker signal peak intensity symbols.” The Guide does not disclose this feature. Claim 17 also requires a computer programmed to read a sequence of transformed DNA marker signal peak intensity symbols from a storage medium and convert said sequence of transformed DNA marker signal peak intensity symbols into a DNA fingerprint record unique to a genomic DNA source identified in an information field. The Guide also does not disclose this feature. Moreover, the Office Action does not even allege that the Guide discloses “convert[ing] said sequence of transformed DNA marker signal peak intensity symbols into a DNA fingerprint,” as is required by claim 17.


Accordingly, because the Guide does not disclose all of the features of claim 17, claim 17 is not anticipated by the Guide.

CONCLUSION

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections, and that they be

withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

RESPECTFULLY SUBMITTED,					
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